

**UNITED STATES DISTRICT COURT  
DISTRICT OF WISCONSIN**

**WESTERN**

Robert j. Artis, Plaintiff  
Wisconsin Secure Program Facility  
P.O Box 1000  
Boscobel, Wi 53805

Case No: 23-cv-241-wmc

VS.

C/O Larry Primmer, Prea Complaint Manager-WSPF Jacob Cirian & Prea Director  
Leigha Weber, Warden Gary Boughton, Defendant,  
Wisconsin Secure Program Facility  
P.O Box -1000  
Boscobel, Wi 53805

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P.O Box -7925  
Madison, Wi 53707

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**42 U.S.C. §1983 CIVIL COMPLAINT**

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**Introduction:**

The Plaintiff in the above entitled action in his Natural person capacity commence this Civil Action against the Defendant's in their individual and personal capacities for acts and omissions consistent ss.801.05(2)(3) Wis.Stats., Title 42 § U.S.C. 1983 ,Sexual Assault & Due Process, In Violation of the 8th & 14th Amendment U.S Constitution & Negligence while acting under the color of law, and as a result of their inactions/actions the plaintiff was harm, and now seeks Damages and Declaratory relief

**JURISDICTION**

1. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. 1331 because this action arises under the Constitution, laws and treaties of the United States,

and pursuant to 28 U.S.C. 1343 (a) (3) (4) and because this action seeks to redress the deprivation of the Plaintiff's rights under the color of state law, and U.S Constitution

2. This court has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. 2201 and 2202, and Fed.R.Civ.P. 57.

#### **Venues**

3. Venue is proper in this judicial district pursuant to 28 U.S.C. 1391 (b) and because one or more of the defendants resides in this district.

#### **parties**

4. The Plaintiff, Robert J. Artis, was incarcerated at Wisconsin Secure Program Facility on June 7, 2021 during the events described in this complaint.
5. The Defendant Larry Primmer, was employed by Wisconsin D.O.C. at the Wisconsin Secure Program Facility as a correctional officer on June 7, 2021 and as such is being sued in his official and individual capacities.
6. The Defendant Jacob Cirian, was employed by Wisconsin D.O.C. at the Wisconsin Secure Program Facility as a CPS/PREA Complaint Manager on June 11, 2021 and as such is being sued in his official and individual capacities.
7. The Defendant Leigha Weber was employed by Wisconsin D.O.C. as the PREA Director in Madison, WI on January 7, 2022 and as such is being sued in her official and individual capacities.
8. The Defendant Gary Boughton was employed by Wisconsin D.O.C. as the Warden of the Wisconsin Secure Program Facility on January 7, 2022 and as such is being sued in his official and individual capacities.

#### **Exhaustion of Administrative Remedies**

9. Plaintiff file a inmate complaint on 6/8/21, staff sexual assault against defendant Larry primmer see complaint wspf-2021-8793, it was recommended it be dismissed on 6/8/21 by institution complaint examiner J. Payne and approved for dismissal by warden Boughton on 6/11/21. and appealed on 6/23/21 to corrections complaint examiner E. Davidson who recommended it be dismissed on 6/23/21, and approved for dismissal on 6/29/21, by C. O'Donnell from the office of the Secretary
10. Plaintiff file a inmate complaint on 6/11/21, for defendant Jacob Cirian refusing to do a Prea investigation see complaint wspf-2021-9144, it was recommended it be dismissed on 6/15/21, by institution complaint examiner J. Payne and approved for dismissal on 6/22/21 by warden Boughton, and appealed on 6/28/21 to corrections complaint examiner

B. Hompe who recommended it be dismissed 7/9/21, and approved for dismissal on 7/20/21 by C. O'Donnell from the office of the Secretary.

11. Plaintiff contacted the Governor office on 12/9/21 about the sexual assault and PREA Managed Jacob Cirian at WSPF prison refusing to conduct a PREA Investigation, on 1/7/22 plaintiff received a letter from PREA Director Leigha Weber stating a PREA Investigation will not be conducted.

#### **ALLEGATION OF FACT / BACKGROUND**

12. On June 7, 2021 at Wisconsin Secure Program Facility the Plaintiff Mr. Artis was housed on Delta unit cell 117 and was let out his cell to attend a zoom visit and the visiting room around 12:20 pm.
13. As plaintiff Artis was signing out on the unit sign out sheet, plaintiff heard Sergeant Eagleburger say I need somebody to take them up for there visit, C/O Primmer walk on to the unit in volunteered to walk us up there.
14. C/O Primmer then told Plaintiff Artis, I had to get a pat search, Plaintiff Artis then walk over to be pat search by C/O Primmer, C/O Primmer then begin to slowly pat search Plaintiff upper body and a unusually slow way, Plaintiff Artis took note of how he was moving, then C/O Primmer then moved to pat search Plaintiff waist line and a slow way making the plaintiff uncomfortable, then C/O Primmer moved to my lower body coming up my left leg toward's my Groin at this point C/O Primmer grab my penis and i turn towards him and stated ' what the fuck you doing' C/O Primmer stated ' turn around ' plaintiff then turn around and C/O Primmer then proceeded to go up my right leg and again he attempted to grab my penis at this point plaintiff step away and told him don't grab my dick, at this point C/O Primmer stated ' that's what I'm suppose to do, at that point plaintiff became angry and stated 'you not suppose to grab my dick'.
15. Sergeant Zimmer who was standing about 5 feet away told plaintiff to calm down, plaintiff stated ' you just saw him grab my dick' Sergeant Zimmer stated 'okay just go on yo visit', plaintiff then turn to the Sergeant bubble and ask Sergeant Eagleberger to speak to a Supervisor when I get back from my visited.
16. when plaintiff returned from his zoom visit plaintiff ask Sergeant Eagleberger to speak with a Supervisor, Sergeant Eagleberger denied plaintiff Artis request and stated she would do a incident report and told plaintiff to file a inmate complaint, and order plaintiff to lock into his cell.
17. Around 1:00 pm Sergeant Eagleberger let plaintiff out his cell to come to the Sergeant bubble so that plaintiff can give a statement, Plaintiff gave the following above statement in paragraph 11-14.

18. Around 6:20 pm Plaintiff Artis was let out his cell to make a PREA call Plaintiff reported the above statement to PREA over the telephone.
19. June 7,2021 Plaintiff filed a inmate complaint on being sexual assault by C/O Primmer that complaint was dismissed by inmate complaint examiner J. Payne on June 8,2021 and further processed in accordance with Executive Directive 72.
20. June 9,2021 Plaintiff Artis sent a Psychological service Request to seek help because Plaintiff had begun having nightmares about being sexually assaulted by C/O Primmer again,and could not get sleep.
21. Warden G. Boughton Dismissed Plaintiff complaint on June 11,2021 and forward it under Executive Directive 72.
22. Plaintiff was then contacted on June 11,2021 by PREA Complaint Manager Jacob Cirian who called plaintiff into the unit social worker office and told plaintiff he is not doing a PREA investigation and gave plaintiff a memorandum stating he would not be conducting a PREA investigation and began to threaten plaintiff with Segregation time for his actions on stopping c/o Primmer from grabbing his penis for a second time.
23. Plaintiff Artis filed a inmate complaint on June 11,2021 on PREA complaint manager Jacob Cirian refusing to do a PREA Investigation in accordance with the PREA ACT of 2003,The complaint was dismissed on 6/15/21 by Inmate complaint examiner J. Payne, stating' The inmate complaint system does not review decisions made by a PREA investigator,Security Director Kartman informed this examiner there is no appeal process following a PREA investigation.
24. On or about June 14, 2021 PREA complaint manager Jacob Cirian filed a report, report number 2005607 stating he reviewed the video and spoke with witnesses and officer however Plaintiff Artis received sign statement from all the witnesses present on June 7,2021 stating they where never spoken to by any one from PREA regarding my complaint of my penis being grab by C/O Primmer.
25. On December 9,2021 I contacted Governor Tony Evers office about being sexual assaulted by C/O Primmer and not having a PREA investigation done by PREA complaint manager Jacob Cirian, on January 7,2022 PREA Director Leigha Weber contacted the plaintiff about this complaint and a memorandum stating' After reviewing video footage, we determined the pat search you experienced was routine and conducted in accordance with policy, Additional follow-up, including investigation, will not be conducted.

26. On January 7, 2022 plaintiff received a letter from Warden Gray Boughton about plaintiff Artis contacting Governor Tony Evers office and my complaint had been referred to him and he had reviewed it himself.
27. On January 7, 2022 Plaintiff Artis contated Warden Gray Boughton to see if he would order a PREA investigation on Plaintiff complaint, but plaintiff never received a reply from Warden Gray Boughton.

#### **EIGHTH AMENDMENT VIOLATION**

28. The action described in paragraph 11 through 26, show how defendants actions violated the Eighth Amendment.

#### **FOURTEENTH AMENDMENT VIOLATION**

29. The action described in paragraph 11 through 28 show how defendants actions violated the Fourteenth Amendment.

#### **NEGLIGENT VIOLATION**

30. The action described in paragraph 11 through 26 show how defendants actions violated the State law claim of Negligent.

#### **RELIEF REQUESTED**

31. Award compensatory damages against all defendants in the amount of \$ 120,000 Jointly and severed for the physical and emotional injuries sustained.
32. Award nominal damages in the amount of \$100 each defendant.
33. Award punitive damages in the following amounts: \$100,000 against each defendant ( Primmer, Cirian, Weber & Boughton)

33. Award damages against all defendants on plaintiff's state tort claims of Negligence in the Amount of \$30,00 each.

34. A trial on any issue triable by law to a jury.

35. Any additional relief this court deems just, proper and equitable.

Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

Dated this 17<sup>th</sup> day of April, 2023

Submitted BY:

  
ROBERT ARTIS